

**RESOLUTION NO. 75315**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COOPERATIVE AGREEMENT WITH SANTA CLARA VALLEY TRANSPORTATION (VTA); A NEW PEDESTRIAN CROSSING DEVELOPER AGREEMENT WITH VTA AND UNION PACIFIC RAILROAD; A TRANSFER OF OWNERSHIP AGREEMENT WITH VTA; AND A MAINTENANCE AGREEMENT WITH THE STATE OF CALIFORNIA CONCERNING THE BLOSSOM HILL PEDESTRIAN OVERCROSSING BRIDGE**

**WHEREAS**, the Blossom Hill Pedestrian Overcrossing Project ("Project"), sponsored by the City of San José ("City") and Santa Clara County Valley Transportation ("VTA"), is a safety enhancement project that proposes to construct a pedestrian and bicycle grade separated crossing over State Highway 82 (Monterey Road) and Union Pacific Railroad ("UPRR") tracks, near the intersection of Blossom Hill Road; and

**WHEREAS**, in order for the construction of the overcrossing to be completed and the transfer of ownership and maintenance responsibilities to the City to occur, four agreements will be required; and

**WHEREAS**, the first agreement is a Cooperative Agreement with VTA in which VTA will be responsible for all design, public bidding, construction and general administration of the project, and complete transfer of maintenance responsibility to City upon completion of the Project; and

**WHEREAS**, the second agreement is an agreement with VTA and UPRR in which UPRR will grant VTA the right of entry needed for construction of the pedestrian overcrossing, and grants City a right-of-entry to maintain, repair, use and operate the pedestrian overcrossing for the life of the overcrossing; and

**WHEREAS**, the third agreement is an agreement with VTA for the transfer of ownership of the pedestrian overcrossing to the City upon completion of the Project and approval by the State of California; and

**WHEREAS**, the fourth agreement is an agreement with the State of California, Department of Transportation ("CalTrans") in which CalTrans will grant the City a right-of-entry for the life of the pedestrian overcrossing for the purpose of operating and maintaining the overcrossing on State property; and

**WHEREAS**, the City desires to negotiate and execute a Cooperative Agreement with VTA; a new Pedestrian Crossing Developer Agreement with VTA and UPRR; a transfer of ownership agreement with VTA; and a Maintenance Agreement with the State concerning the Blossom Hill Pedestrian Overcrossing Bridge;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute the following four agreements:

1. A Cooperative Agreement with VTA to define VTA's responsibility for the delivery of the Blossom Hill Pedestrian Overcrossing Bridge and City's associated operation and maintenance responsibility;
2. A new Pedestrian Crossing Developer Agreement with VTA and UPRR for the maintenance and use of the pedestrian overcrossing by the City over UPRR's rail corridor;

3. An agreement with VTA for the transfer of ownership and maintenance of the pedestrian overcrossing from VTA to the City upon completion of the Project; and
4. An agreement with the State of California for the maintenance of the Project that crosses State property.

ADOPTED this 23<sup>rd</sup> day of March, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk